

IN THE CLAIMS:

Please amend claim 29 as follows.

Sub C1
29. (Amended) A process for controlling operations of an interface with a telephonic communication system including remote terminals for individual callers, wherein each of said remote terminals comprises a telephonic instrument including voice communication means and digital input means in the form of an array of alphabetic numeric buttons for providing data and wherein said telephonic communication system has a central capability to automatically provide call data signals indicative of called number identification data (DNIS), said process including the steps of:

receiving said call data signals indicative of called number identification data automatically provided by the communication system (DNIS) including a called number dialed by individual callers to select a specific operating format from a plurality of operating formats within said operations of the interface;

providing verbal prompts to callers to said specific operating format;

receiving data for callers to said specific operating format from said remote terminals in response to said verbal prompts;

providing a data base computer to receive said data for callers and storing same in a form having an identifiable relationship to each caller, the data base computer including verification means for credit verification of said callers to said specific [operation] operating format, based on said data received for callers to said specific operating format.

REMARKS

This amendment is in response to the office action mailed on August 5, 1990. Claims 29-40 are pending in this application and presently stand rejected. Reconsideration of this application in view of this response is respectfully requested.

I. Double Patenting Rejection

In paragraphs 1 and 2 of the office action, the Examiner rejected claims 29-40 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 4,792,968 in view of the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (Hester). The Examiner takes the position that Claims 1-12 of Applicant's U.S. Patent No. 4,792,968 recite essentially the same method recited in claims 29-40 of the present application except they

do not recite the use of DNIS for selecting a specific operating format. The Examiner further takes the position that "Hester teaches the well known use of DNIS for selecting a specific operating format from a plurality of formats and interacting with the caller according to the specified format such that it would have been obvious to an artisan of ordinary skill to incorporate the use of DNIS, as taught by Hester, within the method recited in the patent.

The claims of the present application recite distinct combinations from the claims of U.S. Patent No. 4,792,968. For example, claim 1 of U.S. Patent No. 4,792,968 recites (1) "providing sequence signals representative of sequence data indicating the time sequence of a call with reference to each of the calls from other callers," (2) initiating and storing those "sequence signals" and so on. The claims in the present application do not recite these aspects. Moreover, to the extent Hester teaches DNIS for format selection, which the Examiner indicates was well-known, and it would have been obvious to combine that teaching within the method recited by the claims (distinct from the present application) in Applicant's U.S. Patent No. 4,792,968, one would think that the Applicant himself would have concluded this at the time he filed his application for U.S. Patent No. 4,792,968. Nevertheless, rather than to argue further, Applicant is submitting a terminal disclaimer, only because Applicant's U.S. Patent No. 4,845,739 (of which the present application is a continuation) already disclaims the portion of its term that falls after the expiration of Applicant's U.S. Patent No. 4,792,968.

II. Rejection Under 35 U.S.C. Section 102(b)

In paragraph 4 of the office action, claims 29-35 are rejected under 35 U.S.C. Section 102(b) as being anticipated by the publication entitled "The AT&T Multi-Mode Voice Systems - Full Spectrum Solutions for Speech Processing Applications" (Hester). Claims 29 and 33 recite "providing a data base computer to receive said data for callers and storing same in a form having an identifiable relationship to each caller" (emphasis by underlining added). The Examiner points to support in Hester, at page 1, second paragraph; page 2, last paragraph; and page 6, "Application Example." At these specific locations, as throughout the publication, Hester appears to be describing ways for callers to obtain data from the system. The input provided by the callers are only requests for information. There is no description of storage of data obtained from the callers during telephone calls, in an identifiable relationship to the callers. Hester describes the "customer database and the stock quote data" as "already available on the host system of the brokerage house" (emphasis by underlining added).

Accordingly, claim 29 and its dependent claims 30-35 and claim 33 and its dependent claims 34 and 35 are distinct from Hester.

III. Rejection Under 35 U.S.C. Section 103(a)

In paragraph 6 of the office action, claims 36-40 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Hester in view of Barger, Jr., et al. (Barger). The Examiner takes the position that "Hester differs from claims 36-40 in that it does not specify defining a limit on use," but, "Barger teaches the desirability of defining a limit on the number of uses by identified callers in an interactive voice-telephony system (col. 11, lines 34-47) such that it would have been obvious to an artisan of ordinary skill to incorporate the limited use feature, as taught by Barger, within the interactive voice-telephone system of Hester."

Claims 36 and 40 differ from Hester not only because they do not specify "defining a limit on use," but also for the reasons discussed above with respect to claims 29 and 33. Accordingly, even if the teaching in Hester was combined with that in Barger, it would not render claims 36 and 40 obvious. Moreover, claims 36 and 40 recite "testing calling number identification data to specify a basis for entitlement defining a limit on use." Neither Barger nor Hester teach this aspect of the claims.

Accordingly, claim 36 and its dependent claims 37-39 and claim 40 are distinct from a combination of Hester and Barger.

S U M M A R Y

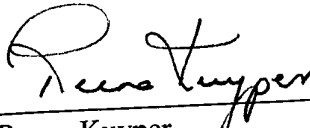
Based on this response, Applicant respectfully requests reconsideration and allowance of claims 29-40.

Respectfully submitted,

LYON & LYON, LLP

Dated: 1/5/1999

By


Reena Kuyper
Registration No. 33,830

633 W. Fifth Street
Suite 4700
Los Angeles, CA 90071-2066
(213) 489-1600